



C A No. Applied For
Complaint No. 457/2023

In the matter of:

Rohit SharmaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R Khan, Member (Tech.)
5. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Vinod Kuamr, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Mr. Akshat Aggarwal, on behalf of respondent.

ORDER

Date of Hearing: 20th February, 2024

Date of Order: 11th March, 2024

Order Pronounced By :- Nishat A Alvi, Member (CRM)

1. The complaint has been filed by Rohit sharma against BYPL-Laxmi Nagar. The brief facts of the case giving rise to this grievance are that Rohit Sharma applied for new connection vide request no. 8006667110 in the parking of premises no. 338-339, Guru Ramdas Nagar, Laxmi Nagar, Delhi-110092.

[Handwritten signatures]

For Ashwani

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CGRF (BYPL)

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But respondent rejected the said application on the pretext of "that already there are two connection one on the ground floor and the other without describing any floor. The complainant challenges the rejection of the application stating that he requires connection in the parking and not on ground floor further stating that the connection showing no floor is being used on other floors than the parking. Similarly, the connection on ground floor is being used for residential purposes while he requires the connection for parking only.

2. OP in its reply briefly stated that the complainant is seeking new electricity connection vide request no. 80066671110 for the parking on ground floor at premises no. 338-339, Guru Ramdas Nagar, Laxmi Nagar, Delhi-110092. The site was inspected and it was found that the building structure consists of ground + four floors over it. Ground floor is the parking area and on each floor above the ground floor, two units exist. Reply also states that the subject premises were re-constructed. The reconstructed structure of building consists of stilt parking plus four floors over it with each floor having two dwelling units. Prior to reconstruction when there was no stilt parking two electricity connections were released in year 1980 and 1985 under the domestic tariff category on the ground floor.

The premises of the complainant were re-inspected on 28.11.2023 and it was observed that at present only stilt parking exists on the ground floor. As such, to seek a new electricity connection for the parking, the complainant is required to surrender the two above-mentioned electricity connections. In fact the same were required to be surrendered at the time of reconstruction of the property in terms of regulations.



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OP also states that the connection vide CA No. 100929291 is admittedly being used by complainant on different floor in which case he either get the billing address rectified or surrender the said connection and apply new connection for the floor he is using the said connection.

OP also states that for getting connection he has to give an undertaking to the effect that the connection shall not be used for lift purpose in case lift is installed therein.

3. In response to the reply of OP, the complainant filed rejoinder denying OP's assertion of reconstruction of the property further stating that it has old construction. Rejoinder also rectifies his statement that on release of other connections itself the parking was very much there in the subject premises. Rejoinder adds that at present there are seven connections in total in the subject property, as of which only two as mentioned in reply are old one while five were released in March 2023 and OP never raised question of existence of those two connections while releasing five connections what to call surrender, while there are total nine units in the building and only seven connections are energized as on date.

4. Heard both the parties at length and perused the record.

To decide the dispute we have first to consider as to whether there was re-construction in the subject premises after release of two connections as stated by the OP, one on ground floor and the other without showing any floor, or not. If there was no re-construction then as to at the time of releasing the said two old connections, the parking also existed in the building. If not as to how at ground floor the connection for residential purpose was given by the OP while reply states that Ground floor is the parking areas. It is also to be considered as why the other connection shows no floor while there are nine units in the building. If we presume

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that at the time of release of that connection there was only one unit in the subject premises why the said connection was not asked for by the OP to be surrendered prior to construction of nine units or at the time of granting of other connections in the building.

5. Going through electricity bills placed on record, we find that one connection each is installed on ground floor, upper ground floor and third floor, all energized on 13.07.1985, 25.03.2023 and 12.03.2023 respectively. Two connections each are installed on first floor and second floor. There is one more connection which shows no floor.

It is also observed that reply of OP no-where mentions such upper ground floor in the building. Rather it makes two contradictory statements one the building is ground + four floors over it and the other that after reconstruction it is parking + four floors over it. It also stated that ground floor is parking area. It means in both cases there is parking in the building. Bill for ground floor show that the purpose of connection is residential. Both these statements are also confusing if the ground floor was parking area then why purpose was residential. However, one thing is clear that there is no connection in the parking and there are nine units in total in the building and there is only one connection on third floor, the connection showing no floor may be on third floor. Even otherwise reply no-where states that this connection is being used in parking area. Neither reply states that Ground Floor connection is being used in parking area.

In the fact and circumstances OP is not giving correct position of floor and in that condition only way out is that admittedly there are nine units and only in eight units there are connections. Thus in our considered view connection in the parking is feasible. However, OP's suspicion of using parking connection for operating life can be avoided by putting condition of release that complainant shall undertake not to use the said connection for operating the lift.

S. S. Deek

*Fr
A. K. Kulkarni*

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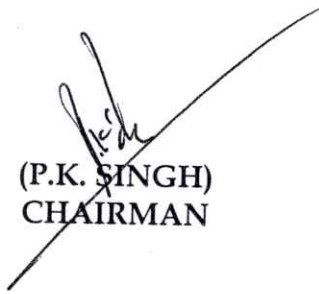
6. Water and electricity is integral part of right to life. Hon'ble Supreme court in the matter of Dilip (dead) LR Vs Satish, in the case no. SCC 810 dated 13.05.2022 has held that electricity is basic amenity which a person cannot be deprived off. Even on the principle of law there should be equity before law and equal protection of law in the spirit of constitution.


ORDER


Complaint is allowed with the terms that complainant shall undertake, to the OP by way of duly sworn and attested affidavit, that in the event of release of the connection on the applied floor, he shall not use the connection in operating the lift if it is so installed in the building and OP is directed to release the connection so applied just after getting the said affidavit and after completing commercial formalities without insisting on any change of address and surrender of connection.


OP is further directed to file compliance report within 21 days from the date of this order.

The case is disposed off as above. No order as to the cost. Both the parties should be informed accordingly.


(P.K. SINGH)
CHAIRMAN


(S.R. KHAN)
MEMBER -TECH


(NISHAT AHMAD ALVI)
MEMBER-CRM


(P.K AGRAWAL)
MEMBER -LEGAL

(H.S. SOHAL)
MEMBER

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